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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,610	01/23/2001	Junichiro Kizaki	35.G2719	1891

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NEW YORK, NY 10112

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/766,610

Applicant(s)

KIZAKI, JUNICHIRO

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This Action is in response to Application Number 09/766610 received on 23 January 2001

Claims 1-28 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 15, 16, 22, 23, 25, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo et al. (U.S. Patent Number 5,911,044).

1. Regarding claims 1, 8, 15, 22, 25, and 28, Lo discloses an image input system in which at least first and second information processing units are connected via a network, comprising:

first control means in the first information processing unit controlling a first image input device connected to the first information processing unit to supply input image data to various application programs by a predetermined image input interface (Lo, col. 5, lines 7-25);

second control means for supplying image data input by the first image input device to a first application program installed in the second information processing unit

by transferring control information based on the image input interface via the network, the control information being exchanged between the first application program and said first control means (Lo, col. 6, lines 57-65); and

third control means for compulsorily changing part of the data exchanged between the first application program and said first control means via said second control means (Lo, col. 7, lines 1-35, Lo teaches the client computer decoding the received data).

2. Regarding claims 2, 9, 16, 23, and 26, Lo discloses an image input system according to Claim 1, wherein, the data compulsorily changed by said third control means includes data indicating a mode for transferring the image data from the first image input device to the first application program (Lo, col. 7, lines 1-35, Lo teaches a protocol for transferring the image data).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 10-14, 17-21, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo in view of Ohkubo (U.S. Patent Number 5,123,063).

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3. Regarding claims 3, 10, 17, 24, and 27, Lo teaches the features of the invention substantially as claimed, as described in claims 2, 9, and 16.

However, Lo does not disclose wherein, the image input interface includes, as modes for transferring image data from the input device to an application program, a first transfer mode for batch transferring image data and a second transfer mode for dividing image data in data block units based on an instruction from the application program and transferring blocks of the image data in sequence; and

wherein, said third control means changes the first transfer mode designated by the first application program to the second transfer mode.

In an analogous art, Ohkubo discloses an image processor selecting from the plurality of scanners for supplying image data through a batch transferring mode (col. 3, lines 50-60) and dividing the image data into units (col. 4, lines 45-55).

Lo and Ohkubo are analogous because Lo image data in Lo is transmitted through the use of packets, which both modes found in Ohkubo can be transmitted in the form of packets.

Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine Lo with Ohkubo to produce a system with multiple image processors controlling various aspects of the scanning operation (Lo, col. 13, lines 35-40) and being able to change the mode to match the selected scanner from a plurality of scanners for the benefit of eliminating the burden on the image processor side by making common use of the scanners (Ohkubo, col. 2, lines 5-10).

4. Regarding claims 4, 11, and 18, Lo teaches the features of the invention substantially as claimed, as described in claims 3, 10, and 17. However, Lo does not disclose a fourth control means in the second information processing unit controlling a second image input device connected to the second information processing unit to supply input image data to the various application programs by the predetermined image input interface; and

selection means for selecting, from a plurality of image input devices including the first and second image input devices, an image input device for supplying image data to the first application program,

wherein said third control means selectively changes the first transfer mode designated by the first application program to the second transfer mode in accordance with the selection result obtained by said selection means.

In an analogous art, Ohkubo discloses an image processor selecting from the plurality of scanners for supplying image data to the application programs (Ohkubo, col. 2, lines 14-22) wherein the transfer mode is selectively changed by the image processor depending on the type of scanner (Ohkubo, col. 3, lines 45-60, col. 4, lines 29-55).

See motivation in 3.

5. Regarding claims 5, 12, and 19, Lo and Ohkubo teach the features of the invention substantially as claimed, as described in claims 4, 11, and 18, including wherein, when the second image input device is selected by said selection means, said

third control means does not change the first transfer mode designated by the first application program to the second transfer mode (Ohkubo, col. 4, lines 38-41).

See motivation in 3.

6. Regarding claims 6, 13, and 20, Lo and Ohkubo teach the features of the invention substantially as claimed, as described in claims 3, 10, and 17, including wherein, said third control means analyzes the control information from the first application program for controlling said first control means and selectively changes the first transfer mode designated by the first application program to the second transfer mode in accordance with the analysis result (Ohkubo, col. 4, lines 29-45, Ohkubo teaches changing the transfer mode).

See motivation in 3.

7. Regarding claims 7, 14, and 21, Lo and Ohkubo teach the features of the invention substantially as claimed, as described in claims 6, 13, and 20, including wherein, said third control means determines a size of image data by analyzing the control information from the first application program for controlling said first control means and selectively changes the first transfer mode designated by the first application program to the second transfer mode in accordance with the determination result (Ohkubo, col. 4, lines 29-45, Ohkubo teaches changing the transfer mode).

See motivation in 3.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison  
Patent Examiner  
Art Unit 2143



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